

REMARKS/ARGUMENTS

Claim 68 has been amended to state that the device profile information relates to a condition of an imaging device. Accordingly, it is respectfully submitted that the rejection of claim 68 under 35 U.S.C. §112, ¶1 is overcome. Similarly, claims 44, 45 and 59 have been amended to overcome the rejections under 35 U.S.C. §112, ¶2.

Pending claims 43-49 and 57-60 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,273,535 (Inoue) in view of U.S. Patent No. 5,604,227 (Starkweather) and further in view of U.S. Patent No. 6,477,318 (Ishii). Applicants respectfully traverse the rejection. With regard to amended claim 43, none of the references teach or suggest forming an image file (i.e., a single file) including a graphical object and a device profile. In this regard, Inoue teaches that image data and image additional information are located in separate memories. That is, as detailed by the Office Action, the contended device profile and image data of Inoue are located in different memories. Inoue, col. 4, lns. 6-19. Accordingly, Inoue nowhere teaches or suggests forming an image file including both a graphical object and a device profile. Nor does either Starkweather or Ishii.

Nor do any of the references, alone or in combination, teach or suggest developing a device profile including information regarding the conditions of image capture. The Office Action concedes that Inoue does not teach such a device profile. Office Action, p. 5. Nor does Starkweather. In this regard, the Office Action refers to col. 2, lns. 19-21 of Starkweather, which merely states that “a color calibration system comprises a color detector which receives color samples of images to provide sampling data.” Starkweather, col. 2, lns. 19-21. All this teaches is that color sampling data for a calibration is detected. Nowhere does this or any other portion of Starkweather teach or suggest developing a device profile including information regarding the conditions of image capture. Color sampling data is not information regarding the *conditions* of image capture. Instead, Starkweather merely discloses detecting color information, not information regarding conditions of image capture. Of course, Ishii nowhere teaches this either.

Also, there is no motivation to combine Inoue with Starkweather. In this regard, Starkweather is a system for calibrating image data between a color display and a color printer. There is no teaching or suggestion to use its calibration system for image capture devices.

Nor does the inclusion of Ishii with Inoue and Starkweather teach or suggest dynamically generating a profile by transferring the image file (including the graphical object and device

profile) from the imaging device. Instead, Ishii teaches storing color space data and image data in the imaging device itself. Thus Ishii fails to teach the claimed dynamic generation in a computer system to which the image file is transferred.

Accordingly for at least these reasons independent claims 43 and 57 are patentable over the proposed combination. For at least the same reasons, claims 44-49 and 58-60 depending therefrom are also patentable.

As to dependent claim 46, nowhere do any of the references teach or suggest that a stored value in the device profile comprises an illuminant tag value. In this regard, the Office Action refers to several portions of Starkweather to contend that the subject matter of claim 46 is met. Office Action, p. 8. However, these portions of Starkweather merely teach that color information of image data is stored. Neither these or any other portion of Starkweather (or the other references) teach or suggest that a device profile includes an illuminant tag value. For similar reasons, nowhere do any of the references teach or suggest that the illuminant tag value is a media WhitePointTag value, as recited by claim 47. Accordingly then, none of the references teach or suggest that the device profile stored further includes the colorant tag values recited in claim 48, in addition to an illuminant tag value. For these further reasons, claims 46-48 are further patentable.

Claims 61-66 and 68 stand rejected under 35 U.S.C. §103(a) over Inoue in view of Starkweather. Applicants respectfully traverse the rejection. As to amended claim 61, for the same reasons discussed above, neither Inoue nor Starkweather teach or suggest receiving a file having image data and device profile information from an imaging device. Furthermore, as the Office Action concedes, nowhere does Inoue teach or suggest comparing device profile information of a file having image data to at least part of prior received device profile information. Office Action, p. 9. Nor does Starkweather. Instead, all that Starkweather teaches is that a modified device profile is sent to an output device. However, this modified device profile bears no relation to a file having image data. Instead, the modified device profile of Starkweather is used to calibrate an output device. Nor does Starkweather teach or suggest the claimed comparing. Accordingly, claims 61-66 and 68 are also patentable over the cited art.

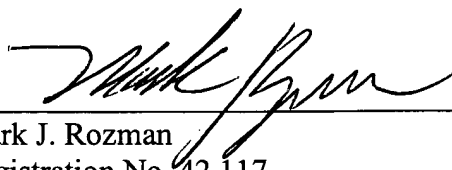
For at least the same reasons, the rejection of claim 67 over Inoue in view of Starkweather and in further view of Ishii is also overcome.

For at least the same reasons discussed above regarding the independent claims, new claims 69-74 are also patentable.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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